

**CITY OF IDAHO FALLS**  
**BOARD OF ADJUSTMENT**  
**P.O. BOX 50220**  
**IDAHO FALLS ID 83405-0220**  
**(208) 612-8276**

**February 23, 2012**  
**12:15 p.m.**

**City Annex Building, Council Chambers**  
**680 Park Avenue**

**Members Present:** Stephanie Austad, Alex Creek, Jake Cordova; Hal Latin; Len Stenzel; and Kendall Phillips.

**Members Absent:** Steve Davies; Richard Lee; and James Wyatt.

**Staff Present:** Brad Cramer, assistant director; and Debra Petty, recording secretary.

**Also Present:** The applicant.

**Changes to Agenda:** Minutes were postponed to the end of the meeting.

**Call to Order:** The meeting was called to order at 12:18 p.m. by Chair Phillips.

**Public Hearings:** **Variance Request**  
**Lot 2, Block 25, Original Town**  
**468 Eastern Avenue**  
**Idaho Falls, ID**

Cramer described the request as outlined in the staff report, a part of the public record. He noted the following in regard to the project:

- The request is for consideration of a variance to remove parking requirements for a business.
- The residential use was converted from a home to a restaurant in 2010.
- With the change in use the grandfathering of the property was lost.
- The floor area of the building is 884 square feet.
- Required parking for a restaurant per 1,000 feet of floor area is 15 spaces.
- Per the floor area the required parking is 13 parking spaces.
- The site plan showed 10 parking spaces to the rear of the property.
- The applicant and owner of the property to the north reached an agreement for shared parking for an additional 4 parking spaces.
- Parking to the north is only accessible on certain days of the week and is not paved.
- Due to weather conditions the applicant was given an extension for pavement of the parking lot until June 1, 2010.
- The parking lot was never paved and the temporary certificate of occupancy expired.
- Currently, the building is used as a retail wine shop (3 parking spaces per 1,000 square feet), but the owner would like to operate as a restaurant.
- The site is not large enough to accommodate the required parking for a restaurant.
- To use the stalls at the rear of the building the applicant must also pave the alley.
- Applicant wants to use undeveloped parking to the west rather than create onsite parking.
- Until the completion of the improvement to the D Street overpass, the applicant would like to use the undeveloped parking to the west.
- It is not known how long it will be until the lot to the west will be complete.
- Staff recommends approval with the conditions no additional floor space is added to the building and the required parking for a retail business (3 spaces) are provided on site.

Chair Phillips opened the hearing to public comment.

**Leonard Rader  
1870 St. Clair Road  
Idaho Falls, ID**

Mr. Rader began his business five (5) years ago as a furniture restoration and remodeling shop. The past two years he has operated as a retail wine shop. He would like to grow his business to include a restaurant. He has hosted private parties and the green space to the rear is utilized by customers. Early on, he encouraged folks to use the lot in the rear of the building and posted with signage, they still parked across the street to the west. Upon completion of the paving of the lot to the west he will have more than ample parking. Mr. Rader emphasized how critical parking is to the success of his business.

Mr. Rader told the commission he has potential investors and would like to open the proposed restaurant immediately. He could pave the parking to the north, however, ownership will eventually change and customers will not use the lot. When asked by Cordova if he has a business plan he said whether or not he has a business plan in place it all comes down to available parking. Austad referenced the availability of street parking. Mr. Rader said there is some in the front of the building. Creek said the location of the business is difficult to find. The applicant said he is still growing his business and hopes over time word of mouth will draw patrons. Currently the shop is open from 4:00 to 10:00 p.m. Thursday through Saturday. Experimenting with additional days has been promising. The maximum capacity of the building is twenty-eight (28) and he is not seeking to enlarge.

Chair Phillips closed the hearing to public comment.

Cordova said a recent change to the zoning ordinance waives off-street parking in the downtown area. He considers Mr. Rader's business part of the downtown area. Eventually the parking to the west will be paved and does not have an issue with waiving the parking requirement.

**Motion by Austad, seconded by Cordova, to approve the request for a variance to remove parking requirements for a business at 468 Eastern Avenue as there is undue hardship caused by physical limitation of the site, that it is located in the downtown area, difficulty accessing parking to the rear, and loss of grandfathered status. The request is not economic in nature nor is it nuisance to the neighborhood. Creek made a friendly amendment to the motion to include the condition the owner not expand the size of the building.** Stenzel said the use of the green space to the rear could become a nuisance to the residential homes across the alley. Austad said the process of a public hearing is to give residents a chance to voice those issues and there is an absence of neighbors. **Motioned passed.**

**Aye:** Stephanie Austad, Alex Creek, Jake Cordova; Hal Latin; Len Stenzel; and Kendall Phillips.

**Nay:**

**Abstain:**

**Minutes: October 27, 2011. Motion by Creek, seconded by Cordova, to approve the minutes of October 27, 2011, as presented.**

**Aye:** Stephanie Austad, Alex Creek, Jake Cordova; Hal Latin; Len Stenzel; Kendall Phillips.

**Nay:**

**Abstain:**

**Business:**

**Findings of Fact and Conclusions of Law for 1600 S. 25<sup>th</sup> East (Eastern Idaho Technical College.) Motion by Austad, seconded by Cordova, to approve the Findings of Fact and Conclusions of Law for 1612 Brentwood Drive, as presented.**

**Aye:** Stephanie Austad, Alex Creek, Jake Cordova; Hal Latin; Len Stenzel; and Kendall Phillips.

**Nay:**

**Abstain:**

**Findings of Fact and Conclusions of Law for 125 Tabor Avenue. Motion by Crodova, seconded by Austad to approve the Findings of Fact and Conclusions of Law for 620 W. Broadway with the change as noted.**

**Aye:** Stephanie Austad, Alex Creek, Jake Cordova; Hal Latin; Len Stenzel; and Kendall Phillips.

**Nay:**

**Abstain:**

**Adjourn:**

Meeting adjourned at 12:55 p.m.

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Richard Lee, Chair and/or  
Kendall Phillips, Vice Chair